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## FISCAL IMPACT REPORT

ORIGINAL DATE 02/28/07

SPONSOR Boitano LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

SHORT TITLE MARRIAGE EDUCATION SB 1141

ANALYST Hanika Ortiz

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>		\$0.1 see narrative			Recurring	various

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)  
 Children, Youth & Families Department (CYFD)  
 Corrections Department (CD)

### SUMMARY

#### Synopsis of Bill

Senate Bill 1141 creates the “Marriage Education Act” wherein courts, government agencies and government-supported entities dealing with children, youth and families and domestic relations will be required to provide written information about marriage, domestic relations education and counseling providers to interested persons. The court or civil magistrate will be required to inquire from persons expressing an intention to marry, applying for a marriage license, filing for any type of domestic relations order, or filing for a divorce whether they have received marriage education.

### FISCAL IMPLICATIONS

The bill does not provide nor direct an appropriation to the courts, agencies or other entities for the additional administrative tasks that will be required.

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and the amount of time required for court clerks and civil magistrates to comply with the law’s requirements.

## **SIGNIFICANT ISSUES**

The bill provides that if the answer to the question re: marriage education is “no” or noncommittal, the clerk or civil magistrate must offer the persons available written information about marriage and domestic relations education and counseling information. The bill prohibits the courts, agencies and entities offering the information from removing indicators of a religious, racial, ethnic or other focus from a provider’s information. The bill defines providers; allows provider information to be made available; and, requires the provider to be a reasonable distance from the court, agency or entity offering the information.

## **PERFORMANCE IMPLICATIONS**

CYFD reports that domestic violence contracted providers will be required to adhere to this act; and, the requirements within the bill conflict with domestic violence best practices.

## **ADMINISTRATIVE IMPLICATIONS**

Courts, government agencies and government-supported entities dealing with children, youth and families and domestic relations, including courts and county clerks and civil magistrates, will need to provide staff training to ensure materials offered are from appropriate providers as defined in the bill; and, offered in a timely manner.

## **TECHNICAL ISSUES**

The bill does not specify what is a “reasonable distance from the court, agency or entity offering the information”.

The bill does not contain penalties for lack of compliance with the Act.

## **OTHER SUBSTANTIVE ISSUES**

The bill states the legislature agrees that “the marital relationship is the foundation of the family”; however, the bill does not address families outside of the traditional nuclear family unit. In the United States nuclear families now constitute a minority of households with rising prevalence of other family arrangements such as blended families, binuclear families, single-parent families.

## **AMENDMENTS**

Add language requiring CYFD to provide a mechanism to approve providers and materials offered to ensure materials are appropriate.

AHO/nt